



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

August 13, 2008

Keith A. Davis, Treasurer  
National Republican Congressional Committee  
320 First Street  
Washington, DC 20003

**Response Due Date:**  
**September 15, 2008**

Identification Number: C00075820

Reference: June Monthly Report (5/1/08 – 5/31/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 8 items:

1. Schedule A supporting Line 15 of your report discloses a payment(s) from a federal candidate committee(s) for goods and/or services provided by your committee. 11 CFR §100.52(d)(1) states that "...the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples of goods and services include equipment, supplies, personnel, membership lists and mailing lists. The term "usual and normal charge" for goods is defined as "...the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution". The usual and normal charge for services is defined as "...the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered." 11 CFR §100.52(d)(2)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided to the federal candidate committee(s) and explain the steps your committee took in determining the amount(s) charged. If your committee provided the goods and/or services at less than the usual and normal charge, the difference between the two is considered to be an in-kind contribution by your committee to the federal candidate committee(s) and is subject to the limits set forth at 2 U.S.C. §441a. (11 CFR §100.52(d)(1))

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2. Schedule B supporting Line 23 of your report discloses one or more contributions to a candidate(s) for the 2008 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign.

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

3. Schedule E discloses independent expenditures on behalf of a federal candidate(s) participating in the 2008 Special General election for the congressional seat in the 6<sup>th</sup> district of Louisiana and the 2008 Special Runoff election for the congressional seat in the 1<sup>st</sup> district of Mississippi. Schedule F of this report discloses coordinated expenditures on behalf of candidate(s) participating in the same election. Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the

request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

Further, 11 CFR §109.21 outlines the factors which define a coordinated communication. Please verify that the independent expenditures made by your Committee in support of Greg Davis and in opposition to Don Cazayoux and Childers for Congress meet the definition of and were properly categorized as independent expenditures. If necessary, amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page) or coordinated expenditures (Schedule F supporting Line 25 of the Detailed Summary Page).

If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of \$5,000 per election. If the reclassification of these expenditures as coordinated expenditures results in your committee exceeding the limitations under 2 U.S.C. §441a(d), the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of the expenditure limitation.

Please inform the Commission of any corrective action immediately in writing and provide a photocopy of your refund request(s) sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

4. Schedule E of your report discloses the Calendar Year-To-Date Per Election for Office Sought total for the 2008 Special General Runoff elections for the congressional seat in the 1<sup>st</sup> district of Mississippi to be \$1,292,586.59. However, since this is a separate election from the 2008 Special General, the year-to-date amounts should be separated. FEC calculations disclose this amount to be \$1,292,586.59 for the Special General Runoff. Please amend your report to clarify this discrepancy.

5. Schedule A supporting Line 15 of your report discloses an offset to an operating expenditure(s) totaling \$84,309.07 from "Strategic Media Services Inc." and "3 Dog Consulting Ltd," however, your report(s) does not appear to disclose a disbursement to this entity. Please provide clarifying information regarding this activity and amend your report(s) if necessary.

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6. Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the **full name**, mailing address, **occupation** and **name of employer**. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

7. The identification of each contributor, including an adequate occupation and name of employer for each, must be provided if the person has contributed in excess of \$200 in the aggregate during the calendar year. Please amend Schedule A supporting Line 11(a)(i) for each inadequately identified entry (see attached).

8. Your report shows refunds of apparent independent expenditures on Schedule A supporting Line 15. Please amend Line 15 by providing the following additional information: the name, office sought, state and congressional district (if applicable) of the federal candidate, as well as the election designation and date made of the original independent expenditure.

-Schedule A supporting Line 11(c) of your report discloses a contribution(s) from "Trent Lott for Mississippi." Please be advised that as of 3/5/08, this committee converted from a principal campaign committee to a nonconnected committee. Thus, this is not a "Memo: Transfer of Excess Campaign Funds," as you have referred to it on your report, but is a contribution from a nonconnected committee that has qualified for multicandidate status.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Laura E. Sinram

Senior Campaign Finance Analyst  
Reports Analysis Division

**Contribution after Election Date**

<b>Recipient Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>	<b>Election State - Date</b>
Brian Davis for Congress	5/6/08	\$5,000	P-2008	IL - 2/5/08

**Inadequate Occupation and Employer Entries**

<b>Occupation</b>	<b>Employer</b>
<b>22</b>	Johnson Mktg. and Mgmt. Co.
Advisor	Self
Attorney	Law Firm
Author	Author
Businessman	CCP
Businessman	Self
Business Owner	Self
Collage Advisor	Collage
Consultant	Self
Consultant	Self Employed
Employee	Force Travel and Leisure
Employee	Schuke Pipeorgans Inc.
Environmental Engineer	ASC
Exc	Warwick Group, Inc.
Executive	Self
Executive	Vcc
Executive/Assistant	State of Maryland
Hha	Americare
Hha	Americare
M	Prudential Carolina Metro Office
Mangement	Self
Member	Amerisouth Mobility Llc
Member	Anchor Lending Group LLC
Member	Ballistic Solution Tech LLC
Member	Chillicothe Transfer Co. LLC
Member	Executask Global Services LLC
Member	Executask Global Services LLC
Member	G-Squared Enterprises LLC
Member	George Thomas Products LLC
Member	Halo Media LLC

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**Inadequate Occupation and Employer Entries (Continued)**

<b>Occupation</b>	<b>Employer</b>
Member	INFO REQUESTED
Member	Integrated SEC Solutions LLC
Member	Johnson-floyd Coal Company, Llc
Member	Latin Tiger Funding LLC
Member	Lean On ME LLC
Member	Liquidnation
Member	Little River Hotel LLC
Member	Niblett Federal LLC
Member	Point Mgmt. LLC
Member	RDF Soultions
Member	Red Hawk
Member	Responsive Holdings LLC
Member	RML Property Mgmt. LLC
Member	RSB Technologies LLC
Member	Rubicon Integration LLC
Member	Sevzero LLC
Member	Spinnaker Group Ltd.
Member	Stewart Land Group LLC
Member	Talco Construction LLC
Member	TJ Allen LLC
Member	Veterans Monument Co. LLC
Mr.	Associated Construction Service
Own Business	Self
Own Company	Self
Owner	Self
Owner	Self-Employed
Owner/operator	Self
Owner Development	Self
Pr	Arcadia University
Pres	Self
President	M. H. O M. G.
President	Self
President/Owner	Self
Self	Gulf Craft Inc.
Self	Self
Self - Employed	Allied Building Services Inc.

**Inadequate Occupation and Employer Entries (Continued)**

<b>Occupation</b>	<b>Employer</b>
Self - Employed	Bonucci Farms
Self-Employed	Dr. Errol Baptist
Self-employed	Hall Letter Shop
Self - Employed	Nelson & Co.
Self - Employed	Self
Self Employed	Avtec USA
Self Employed	Barkmeier Group Inc.
Self Employed	Chambers Commercial Real Estate
Self Employed	David Smith
Self Employed	John R. Parish Oil Com.
Self Employed	John Scott Roden
Self Employed	Management Advisory Serices
Self Employed	Peters Agency
Self Employed	Ronald Hariri Attorney At Law
Self Employed	Self
Self Employed	Self Employed
Self Employed	Shores Sales & Mgmt Inc.
Self Employed	Stewart And Stewart
Self Employed	Westco Marine Services Llc
Self Employed	William A. Heck
Staff	University Of Southern Cal
Teacher	School
Vice Chair	Ccf



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